UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,100	05/29/2001	Robert L. Spencer	42390.P9902	8505

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EXAMINER
JONES III, CLYDE H

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/870,100	SPENCER, ROBERT L.
	Examiner	Art Unit	
	Clyde H. Jones III	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *6/19/2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-29* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *6/19/06*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

6/19/2006 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-19 have been considered but are

moot in view of the new ground(s) of rejection.   In response to applicant's arguments

on pages 11-14 of the 6/19/2006 Remarks, the newly added limitations are met by the

Nations, Rosin, Brooks and Hicks references as described below.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

Claims 10-19 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter. Claims 10-19 define a product comprising a

machine - readable medium embodying functional descriptive material. However, the

claim does not define a computer-readable medium or memory and is thus non-

statutory for that reason (i.e., "When functional descriptive material is recorded on some

computer-readable medium it becomes structurally and functionally interrelated to the

medium and will be statutory in most cases since use of technology permits the function

of the descriptive material to be realized").   The examiner suggests amending the claim

to embody the program on "computer-readable medium" or equivalent in order to make

the claim statutory.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claims 10-19 are also rejected under 35 U.S.C. 112, second paragraph which

contains two separate and distinct requirements (A) that the claim(s) set forth the

subject matter applicants regard as the invention and (B) that the claim(s) particularly

point out and distinctly claim the invention.

The specification does not teach or suggest any product having instructions

stored on a machine readable medium See MPEP 2171.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-7, 10-16, 19, 20-26 and 29 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Nations et al. (US 6,879,808 B1) and Rosin (US 6,072,483).

        Regarding claims 1, 10 and 20, Nations teaches the method (and corresponding,

product [and corresponding processor instructions (col. 8, lines 55-58; col. 7, lines 10-

11)], and system [10 - fig. 1 and fig. 3]) comprising:

        receiving a digital broadcast (satellite) signal to a digital television receiver (col.

5, lines 40-41, lines 59-62) in a first computer (127 -fig. 3) (col. 8, lines 66-67), wherein

the digital broadcast signal includes content (video movie; col. 7, lines 9-13; col. 4, lines

41-42) and enhanced (expanded/related; col. 7, lines 61-64; col. 10, lines 20-23)

content data (information related to the requested information, e.g., related web site

content; col. 10, lines 2-3, 20-23, 34-42), and wherein the enhanced content data

includes triggers (Nations inherently discloses triggers or instructions that initiate an

action in order to update the cache and prompt user 128 – fig. 3 when the

related/enhanced information is received; col. 10, lines 40-43, 46-48, 15-19) and

announcements (message notifications/prompts indicating additional information is

available; col. 10, lines 15-19, lines 46-48) to synchronize (display concurrently with the

video movie) the digital broadcast signal content with content (enhanced content) on a

display 35 (display of 32 or 34) – fig. 3 (col. 10, lines 51-53; col. 5, lines 60-62; col. 6,

lines 13-16);

        processing the digital broadcast signal to extract the enhanced content data (col.

10, lines 40-42; col. 11, lines 57-67; step 154 – fig. 5);

storing the enhanced content data in a web browser cache (smart local cache

128) (col. 10, lines 1-8, 61-65; col. 6, lines 47-50; col. 7, lines 10-13; in which the cache

128 stores web pages used by web browsers);

interrogating the web browser cache with an application program interface

(software instructions used to interface the cache memory with the transmitter/receiver

126 – fig. 3; col. 8, lines 59-65) (col. 6, lines 12-16; col. 8, lines 49-51; in which a

request for information causes the API software to interrogate/search the local cache for

determining what information/data received should be downloaded or used to update

existing cache data; col. 9, line 64-col. 10, line 8; col. 8, lines 55-58);

providing the enhanced content data to a personal web server (local proxy server

127 – fig. 3) responsive to the application program interface interrogating the web

browser cache (API software determines what information/data received should be

downloaded or used to update existing cache data; col. 9, line 64-col. 10, line 8; col. 8,

lines 55-58; once stored cache data is provided to the proxy server for delivering the

updated data to web browsers of clients without requiring access to the Internet; steps

154-156 – fig. 5; col. 6, lines 12-16);

storing (proxying) the enhanced content data in the personal web server (col. 6,

lines 11-16; col. 8, line 47-col. 9, lines 5); and

providing the enhanced content data stored in the personal web server to a client

device (34, 35 – fig. 1) via a personal (local proxy server) web page hosted by the

personal web server (the cached web page is provide to the browser of the

client/internet appliance 34 from the proxy server when the internet/broadcast

connection is not active; 145 – fig. 4; col. 6, lines 11-16; col. 5, lines 59-61; col. 7, lines

10-11; col. 8, line 66-col. 9, line 5; col. 10, lines 3-8), comprising;

loading the personal web page on the client device (col. 6, lines 13-16; col. 10,

lines 1-8) and data is received from a synchronization server (service software) in the

first computer (col. 9, lines 64-col. 10, lines 8; col. 10, lines 46-65; col. 10, lines 44-45;

in which video movie content is received and related information, i.e., web pages, is

cached and the synchronizing software/server updates/synchronizes the cache with

new information, e.g., web page data, used to provide current/synchronized web page

information), and;

machine readable media to store instructions (col. 8, lines 55-58; col. 7, lines 10-

11).

However, Nations fails to disclose a synchronization client is created as an

object window and updating the object window via the synchronization client when

enhanced content data is received.

In an analogous art, Rosin teaches it desirable to use a synchronization client

(software for updating a client) created as an object window (windows 1, 2, 3 – fig. 7 in

a page) (col. 7, lines 29-32; col. 8, lines 49-55; col. 14, lines 33-35, 49-56; col. 16, lines

8-11) and updating the object window via the synchronization client when enhanced

content data is received (col. 16, lines 8-11; col. 14, lines 49-56; col. 13, lines 14-18;

col. 7, lines 21-25) for the purpose of providing an active/dynamic interface for the user

while providing links/content from various sources in accordance with user's usage and

viewed subject mater (col. 14, lines 49-53; col. 13, lines 14-21).

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the applicant's invention to modify the system of Nations to include a synchronization

client is created as an object window and updating the object window via the

synchronization client when enhanced content data is received as taught by Rosin for

the advantage of more efficiently providing current/updated information that the user is

likely to use (Rosin - col. 14, lines 49-53; col. 13, lines 14-21) and synchronized

information that automatically updates the user/client display when more current

information is received (Nations - col. 10, lines 46-55).

In regards to claims 2, 11 and 21, Nations in view of Rosin teach extracting

content triggers from the enhanced content data (Nations - col. 10, lines 40-43, 46-48;

in which new enhanced content, i.e., related website info, is extracted from the received

transmission triggering a cache update) and providing the content triggers to the

synchronization client through a network (and after the cache info is updated with the

new enhanced content, the local proxy server/synchronization server can

update/synchronize the synchronization client so that the new information is displayed

to the user of the client device; Nations - col. 9, lines 64-col. 10, lines 8; col. 10, lines

57-65; Rosin – col. 5, lines 57-63; col. 7, lines 17-19, 21-24; col. 15, lines 33-35, lines

49-53).

In regards to claims 3, 12, and 22, Nations in view of Rosin teach the personal

web server is simultaneously providing enhanced content data stored in the personal

web server to a plurality of client devices (the proxy server can serve any client with a

web browser or multiple PCs; col. 9, lines 1-5) and the synchronization server is

providing content triggers to at least one synchronization client (the local proxy

server/synchronization server can update/synchronize the synchronization client so that

the new information is displayed to the user of the client device; Nations - col. 9, lines

64-col. 10, lines 8; col. 10, lines 57-65; Rosin – col. 5, lines 57-63; col. 7, lines 17-19,

21-24; col. 15, lines 33-35, lines 49-53).

In regards to claims 4, 13 and 23, Nations in view of Rosin teach the client device

is receiving the triggers wherein the content triggers update the synchronization client to

be displaying information synchronized to the digital broadcast signal on the client

device (Nations – col. 10, lines 50-53; col. 11, lines 57-59; col. 10, lines 20-23; Rosin –

col. 14, lines 49-53; col. 7, lines 29-31).

In regards to claims 5, 6, 14, 15, 24 and 25, Nations in view of Rosin teach the

trigger synchronization server is providing triggers to a network (Ethernet) connection by

multicasting datagram (Ethernet/IP) packets to sockets (of the multiple clients 34/PCs,

for updating the display information) using a transmission (Ethernet/IP) protocol

(Nations - col. 9, lines 1-5).

Regarding claims 7, 16 and 26, Nations in view of Rosin teach the client device is

a second computer (PC 34; Nations col. 9, lines 1-5).

Regarding claims 19 and 29, Harrison teaches the client device 34 –fig. 1 is a

remote control device with a display panel (col. 5 lines 60-62; col. 9, lines 1-2; Examiner

broadly interprets "remote control" to be a removable, wireless, or electronically

tethered, i.e., remotely connected via some network, e.g., RF, Ethernet, etc., device

used to input commands into a system, e.g., display/information retrieval request sent to

user terminal 32, which reads on Nation's Internet appliance device 34; col. 6, lines 14-

17).

5.   Claims 8, 17 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Nations in view of Rosin as applied to claims 1, 10 and 20 above, and further in

view of Hicks, III et al. (US 2004/0255326 A1).

Regarding claims 8, 17 and 27, Nations in view of Rosin teach the client device is

a second computer (PC 34; Nations col. 9, lines 1-5) and an Internet appliance (has a

web browser capable of viewing web pages; col. 5, lines 60-65).

However Nations and Rosin fail to teach an interactive tablet.

In an analogous art, Hicks teaches it is desirable to use an interactive tablet (par.

21, lines 16-19) for the purpose of delivering content to a wide range of devices in a

home network and for inputting commands to a server (par. 25 & 25).

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to modify the system of Nations in view of Rosin to include an

interactive tablet as taught by Hicks for the added advantage of providing a system that

is more compatible with existing consumer equipments, such as graphical tablets, so

that consumers can take advantage of the system as long as they have an internet

capable/web device.

6.   Claims 9, 18 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Nations in view of Rosin as applied to claims 1, 10 and 20 above, and further in

view of Brooks et al. (US 7,047,305 B1).

        Regarding claims 9, 18 and 28, Nations in view of Rosin teach the client device is

a second computer (PC 34; Nations col. 9, lines 1-5) and an Internet appliance (has a

web browser capable of viewing web pages; col. 5, lines 60-65).

        However Nations and Rosin fail to teach a personal digital assistant.

        In an analogous art, Brooks teaches it is desirable to use a personal digital

assistant (col. 11, lines 5-11; col. 15, lines 2-3) for the purpose of delivering

personalized content to a wide range of devices/clients in a home network (col. 10, lines

55-58).

        It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to modify the system of Nations in view of Rosin to include a

personal digital assistant as taught by Brooks for the added advantage of providing a

system that is more compatible with existing consumer equipments, such as PDAs, so

that consumers can take advantage of the system as long as they have a internet

capable/web device.

Conclusion

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clyde H. Jones III whose telephone number is 571-272-5946. The examiner can normally be reached on 9-5:30 p.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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